

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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Danielle Phillips,

Plaintiff,

v.

North Eastern Title Loans, LLC,

Defendant.

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**COMPLAINT**

For this Complaint, the Plaintiff, Danielle Phillips, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. This Court has original jurisdiction over Plaintiff's TCPA claims. Mims v. Arrow Fin. Serv., LLC, 132 S.Ct. 740 (2012).
3. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business here and a substantial portion of the acts giving rise to this action occurred here.

**PARTIES**

5. The Plaintiff, Danielle Phillips ("Plaintiff"), is an adult individual residing in Levittown, Pennsylvania.

6. The Defendant, North Eastern Title Loans, LLC (“NETL”), is a Delaware business entity with an address of 38650 Sussex Highway, Unit 10, Delmar, Delaware 19940.

### **FACTS**

7. Within the last year, NETL contacted Plaintiff by placing calls to Plaintiff’s cellular phone using an automated telephone dialer system with an artificial or prerecorded voice (hereafter “Robocalls”).

8. Each of NETL’s Robocalls contained a message regarding the Title Loan Plaintiff had previously taken out on her car with NETL.

9. On at least three occasions, Plaintiff stayed on the line to speak with a live representative.

10. During these conversations, Plaintiff requested that NETL cease all calls to her cellular phone as she had already satisfied the loan in full.

11. Despite such requests, NETL continued to hound Plaintiff with Robocalls.

#### **A. Plaintiff Suffered Actual Damages**

12. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant’s unlawful conduct.

13. As a direct consequence of the Defendant’s acts, practices and conduct, the Plaintiff suffered and continues to suffer from anger, anxiety and frustration.

### **COUNT I**

#### **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT – 47 U.S.C. § 227, ET SEQ.**

14. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. Defendant contacted Plaintiff using an automatic telephone dialing system and/or by using a prerecorded or artificial message on a cellular telephone of 47 U.S.C. § 227(b)(1)(A)(iii).

16. Plaintiff either never provided express consent to Defendant or the Creditor to call her cellular telephone number, or Plaintiff revoked her consent to be contacted by Defendant on her cellular telephone by her repeated demands to cease calling her cellular telephone.

17. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. Each of the aforementioned calls made by Defendant constitutes a negligent or intentional violation of the TCPA, including each of the aforementioned provisions of 47 U.S.C. § 227, *et. seq.*

19. As a result of each of Defendant’s negligent violations of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

20. As a result of each of Defendant’s knowing and/or willful violations of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each and every violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

21. The Plaintiff is entitled to damages as a result of the Defendant’s violations.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendant:

1. Statutory damages for each violation, pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Attorney’s costs and fees; and

3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: February 14, 2013

Respectfully submitted,

By /s/ JBB8445

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